Attorney Docket # 410001-374PUS Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Dirk KÖTHEN et al.
Serial No.: 10/559,207
Filed: December 2, 2005
For: Fuel Injection Nozzle

Examiner: McGraw, Trevor E.
Group Art: 3752

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Signature

March 11, 2008
Date of Signature

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APPELLANT'S REPLY BRIEF

SIR:

This is appellant's reply brief in response to the Examiner's Answer mailed January 11, 2008 in accordance with 37 C.F.R. §41.41. Any fees or charges required in connection with this application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

The Examiner's Answer makes new points of argument within section (10) Response to Argument.

The Examiner's Answer states that Appellant is mistaken in asserting that a purpose for the cooling duct dimension ratio is referenced in paragraph [0010] because only the purpose of the wall surface of the cooling duct is mentioned. However, appellant's note that the

wall surface is directly related to the width to height ratio of the cooling duct as follows. Independent claim 6 also requires that the cross-sectional area of the cooling duct be approximately twice the cross-sectional area of the inflow line. Since the cross-sectional area of the cooling duct is required to be a certain value, i.e., twice the cross-sectional area of the inflow line, The wall surface is directly related to the height of the cooling duct which is directly related to the width to height ratio.

The Examiner's Answer also alleges that Appellant never states within the disclosure that using such an arrangement provides a benefit of increasing heat transfer flow. Appellants argue in the Appeal Brief that the combined limitations of the claimed width to height ratio and the recitation "the cross-sectional area of the cooling duct being approximately twice the cross-sectional area of the inflow line" are allowable. However, the disclosure clearly states that as a result of the above limitations "a relatively high flow rate of the cooling medium and thus a relatively large rate of dissipation of heat is brought about" (see paragraph [0011], lines 4-6, of the disclosure).

For the foregoing reasons, it is therefore respectfully submitted that the teachings of *Marsch* fail to establish a *prima facie* case of obviousness with regard to the subject matter recited in claims 6 and 9. The Final Rejection of the claims should be reversed.

Respectfully submitted,
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